

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RICHARD ROY SCOTT,

11 Petitioner,

12 v.

13 SJAN TALBOT,

14 Respondent.

CASE NO. C18-0124JLR-BAT

ORDER ADOPTING REPORT
AND RECOMMENDATION

15 **I. INTRODUCTION**

16 This matter comes before the court on the Report and Recommendation of Chief
17 United States Magistrate Judge Brian A. Tsuchida (R&R (Dkt. # 18)) and Petitioner
18 Richard Roy Scott's objections thereto (Objections (Dkt. # 19)). Having carefully
19 reviewed those documents, along with all other relevant portions of the record and the
20 governing law, the court ADOPTS the Report and Recommendation (Dkt. # 18).

21 //

22 //

II. STANDARD OF REVIEW

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The court reviews de novo those portions of the report and recommendation to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise." *Id.*

III. DISCUSSION

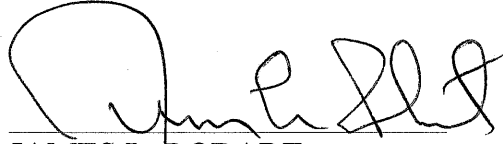
The court has reviewed Mr. Scott's 28 U.S.C. § 2254 habeas petition and the underlying state court ruling (Dkt. # 1); his motion to amend the petition (Dkt. # 14); his objections to the Report and Recommendation (Dkt. # 19); and Respondent Sjan Talbot's response to the objections (Dkt. # 20). Mr. Scott's objections do not raise any novel issue that was not addressed by Magistrate Judge Tsuchida's Report and Recommendation. Moreover, the court has thoroughly examined the full record and finds the Chief Magistrate Judge's reasoning persuasive in light of that record. Accordingly, the court independently rejects the arguments Mr. Scott makes in his objections for the same reasons as Chief Magistrate Judge Tsuchida did.

//

1 IV. CONCLUSION

2 For the foregoing reasons, the court ADOPTS the Report and Recommendation
3 (Dkt. # 18) in its entirety. Mr. Scott's 28 U.S.C. § 2254 habeas petition is DENIED, and
4 this case is DISMISSED with prejudice. The court DENIES Mr. Scott issuance of a
5 certificate of appealability. The court further DIRECTS the Clerk to send a copy of this
6 order to the parties and to Chief Magistrate Judge Tsuchida.

7 Dated this th12 day of July, 2018.

8 
9 JAMES L. ROBART
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22